

UNITED STATES DISTRICTCOURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

CASE NO. _____

BRITTANY BARNES

PLAINTIFF

VS.

JURY DEMAND

C.U.S. NASHVILLE, LLC
d/b/a COYOTE UGLY SALOON
264 U.S. Route 9W
Cornwall, New York 12518

DEFENDANT

Serve: Registered Agent
B.M.N. Corporate Services, Inc.
511 Union Street, Suite 1600
Nashville, TN 37219

COMPLAINT

COMES the Plaintiff Brittany Barnes, by counsel, and for her cause of action against the above named Defendant states as follows:

I. PARTIES

1. The Plaintiff Brittany Barnes is a citizen of Kentucky, residing at 4120 Rainwater Circle, Lexington, KY 40515.
2. Defendant C.U.S. Nashville, LLC is a Tennessee limited liability company with its principal place of business located in Cornwall, New York.

II. JURISDICTION AND VENUE

3. There is a complete diversity of citizenship between Plaintiff and Defendant. The amount in controversy exceeds \$75,000.00 exclusive of costs, interest and disbursements. Jurisdiction is based upon diversity of citizenship and amount in controversy.

4. This Court has original jurisdiction of Plaintiffs' claims pursuant to 28 U.S.C. § 1332. Venue is appropriate in this District under 28 U.S.C. § 1391 (a) and (c). This Court has specific personal jurisdiction over the Defendant by virtue of Defendant having committed the tort at issue in Davidson County, Tennessee.

III. FACTS

5. At all times relevant hereto, Defendant was the owner and operator of a nightclub/bar commonly known as the Coyote Ugly Saloon (hereinafter "Saloon"), located at 154 Second Avenue North, Nashville, TN 37201.

6. On or about September 19, 2008, Plaintiff was a business invitee of the Saloon and in that capacity was encouraged by employees of the Saloon to climb onto the Saloon's bar to dance. At the time of said encouragement, the Saloon's bar was wet and extremely slick. As a result of the Saloon's employee's encouragement, Plaintiff did attempt to climb onto the bar to be photographed with her friends. In so doing, Plaintiff slipped on the wet and slick bar and fell backwards a considerable distance, striking the back of her head on the ground.

7. The Saloon's employee's negligently created and failed to remove or warn of the aforementioned wet and slick bar conditions which proximately caused Plaintiff to slip and strike her head on the ground.

8. Alternatively, at or about the time Plaintiff attempted to climb onto the Saloon's bar, the Saloon's employees knew or should have known of the dangerous condition presented by the wet and slick bar and negligently failed to remove or warn Plaintiff of same.

9. As a direct and proximate result of the aforementioned negligence of the Defendant, Brittany Barnes was caused to incur serious, painful and permanent injuries to her body as a whole and a great and permanent shock to her nerves and nervous system and, as a direct and proximate result thereof, it was necessary for her to secure medical treatment and incur necessary medical expenses and she may hereafter be required to incur additional medical expenses, all to her damages and a sum in excess of the jurisdictional limits of this Court.

10. The aforementioned conduct of the Defendant constitutes gross negligence and entitles Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

1. For compensatory damages in an amount that is fair and reasonable as shown by the evidence;

2. For punitive damages in an amount that is fair and reasonable that is shown by the evidence;

3. For Plaintiff's costs herein expended;

4. For a trial by jury; and,

5. For all further relieve to which Plaintiff is entitled.

Respectfully submitted,

SALES TILLMAN WALLBAUM
CATLETT & SATTERLEY



John R. Shelton BPRN #013949

1900 Waterfront Plaza

325 W. Main Street

Louisville, KY 40202

Phone: (502) 589-5600

Fax: (502) 814-5500

Counsel for Plaintiff Brittany Barnes